

TECHNICALITIES BRUSHED ASIDE BY HIGH COURT

Sulzer Loses Argument,
and His Case Will Be
Given Hearing.

CHIEF JUSTICE EXPLAINS LAW

Only One Member of Tribunal Is
Recorded in Favor of Gov-
ernor's Contention, and He Is
Democrat, With Son on
Governor's Pay Roll
at \$50 a Week.

Albany, N. Y., September 22.—By the overwhelming vote of 51 to 1, the high court of impeachment to-day decided that the Assembly had a right under the law to impeach William Sulzer of high crimes and misdemeanors, and that the trial must, therefore, proceed. This means that Sulzer must go to trial on evidence. The third line of defense, based on the contention that articles of impeachment are inadequate, will not save him from trial, even if successful.

Staggering Blow to Defense.
The vote taken after a brief executive session of the court was a staggering blow to the Sulzer defense, and sent the Governor's lawyers scurrying to the books to prepare for to-morrow's attack on the indictment and to make ready the last fight on the facts, which is now inevitable. A conference of all the counsel was held in executive session late to-night to arrange for the morning's battle.

Sulzer's military supporters in the court after five hours of argument had thrown up his second line of technical breakthroughs, was Senator Wendell Phillips, who said that the evidence taken by the Frawley committee, served many weeks on one of Sulzer's pay rolls at a salary of \$50 a week.

The vote came at twenty minutes to 6, after Louis Marshall had concluded a two days' argument for Sulzer, and Alton B. Parker and Edgar T. Brackett had concluded three hours' argument in support of the legality of the impeachment.

Cullen Sways Court.
As heretofore the great weight of the opinion of Presiding Judge Cullen had a profound effect upon the court. This opinion was given when the judge's name was reached in the alphabetical order.

He had previously given some indication of his opinion on the questions to Mr. Marshall. Before an executive session was moved, he offered to decide the question under the power conferred on him by the rules.

"The presiding member of the court," he said, "does not feel inclined to use the power granted under the rules to decide the question under the power conferred on him by the rules."

In Executive Session.
Justice Cullen, on assurance from the president judge that this court might be cleared, moved that this be done, and subsequent proceedings were in executive session.

Here, in substance, the opinion of Judge Cullen, when, as tenth of those responding, he made the almost unanimous vote of the court a certainty:

"I vote no. And I might as well take this opportunity of expressing my reasons for my vote. It is urged by counsel for the managers of the impeachment that the Assembly has the right to vote at any time and present particulars of impeachment. From the doctrine of the Constitution, I find that it is the Assembly that has the right given it by the Constitution to impeach, but the Assembly does not consist of the individual members of its body, except when they are duly assembled."

"It would lead to anarchy, and the extreme case that has been suggested, that a Governor might commit treason while it is theoretically possible to impeach it, is quite improbable, and I think little weight should be given to it. Anyway, extreme cases do not control the construction of statutes or constitutions."

Assembly Has Power.
"The Constitution gives the Assembly power to impeach. It was in regular session. I used the regular session; it means it is regularly convened in response to a call by the Governor. Now, having the power of impeachment, it could exercise it. The regular session, I find, is not an ordinary legislative power except the sense that anything that is done by the Legislature is legislative."

"Now, there would be force in that argument if there were not other facts that really abrogated the force of the argument, and tend to establish a contrary proposition. As you may remember, this article, the only article recommended or adopted by the constitutional convention of 1865, which was approved by the people, was the judicial article."

"Mr. Van Bursum moved to amend the fourth section as adopted by inserting after the words 'extraordinary occasions' the words following: 'At such extraordinary sessions no business shall be transacted, except such as the Governor may recommend for consideration.'"

CLAIMS VARY GREATLY

Wilson's Candidate Expects 40,000 Majority—Other Side Confident.
Trenton, N. J., September 22.—On the eve of the primary in New Jersey for the nomination of candidates for offices, from Governor down, interest centered in the contest between Acting Governor James F. Fidler and Frank S. Katzenbach, Jr., for the Democratic nomination for Governor.

The campaign managers of Mr. Fidler, who has the endorsement of President Wilson, expect the Acting Governor will win by from 80,000 to 40,000 plurality. The Katzenbach managers claim their candidate will lead by about 10,000 plurality.

Former Governor Edward C. Stokes is expected to win in the Republican primaries for the gubernatorial nomination over State Senator Carlton B. Pierce, former Judge Robert C. Carey and Congressman Charles N. Fowler.

A bitter fight is on among Progressives for the gubernatorial nomination. Former Senator Everett Colby and Edmund B. Osborne are the rival candidates.

President to Vote.
Washington, September 22.—President Wilson is expected to vote for the capital for Princeton, N. J., in the election for Acting Governor Fidler in the Democratic primary to-day.

It will be the first time the President has visited his home town since he made his first trip to Washington. He will be there only a few days, however, returning to Washington the same evening.

CAMPAIGN IS DULL

Wilson's Candidate Expects 40,000 Majority—Other Side Confident.
Trenton, N. J., September 22.—The campaign for nominations in to-morrow's primary election closed to-night with only a few signs of much general importance to enliven the dullness of three campaigns under the present primary system.

These contests are for Governor on the Republican ticket, in which Col. Edwin S. Hughes and Charles E. Bird will lead the Progressives for a second time.

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MORGAN WILL APPROVE
Southern Railway Plans Road Issue Amounting to \$300,000,000.
[Special to The Times-Dispatch.]
New York, September 22.—It became known here to-day that the Southern Railway Company has under consideration a plan to issue a \$300,000,000 bond for the purpose of providing for the retirement of its present \$300,000,000 bonds, which are due in 1920.

The plan is said to be similar to that of the Chesapeake and Potomac Telephone Company, which is to issue a \$100,000,000 bond for the purpose of providing for the retirement of its present \$100,000,000 bonds, which are due in 1920.

At the close of the 1912 fiscal year the Southern Railway had a debt of \$300,000,000, and the Chesapeake and Potomac Telephone Company had a debt of \$100,000,000.

STRIKERS TO CONTEST
Claim Injunction Is in Restraint of Calumet, Mich., September 22.—Officials of the Western Federation of Miners to-day filed a motion for an injunction granted by Circuit Judge Aldrich, prohibiting picketing and parading in the streets of Calumet, Mich., where the miners will be vigorously contested.

The injunction is in restraint of the strikers' picketing and parading in the streets of Calumet, Mich., where the miners will be vigorously contested.

RICHELIEUX IN FRISCO
After Hunting Trip in Rockies, They Are Now on the Coast.
[Special to The Times-Dispatch.]
San Francisco, September 22.—Duke of Richelieu, who is the son of the Duke of Richelieu, is in San Francisco after a hunting trip in the Rockies.

MEN WIN STRIKE
London's Omnibus Tie-Up Ends With Recognition of Union.
London, September 22.—The strike of London omnibus men was settled at a conference of the British Board of Trade to-day.

"SPANKER" EXPLODES
Initiation Ceremony in Secret Order May Prove to Be Fatal.
Elkhart, Ind., September 22.—Lee Phares, a merchant of Valley Bend, here, is in a critical condition after a "spanker" containing a dynamite cap exploded, inflicting a serious wound.

VACCINATION IS FATAL
School Children Pick Wounds on Arm.
Trenton, N. J., September 22.—Raymond Clee, five years old, and Cathryn Flynn, seven years old, pupils in the public school of Morrisville, Pa., died of lockjaw in a hospital here to-day as the result of picking the wounds on their arms after having been vaccinated.

RECORDS BROKEN BY MULTITUDES ON BROAD STREET

Crowds So Dense Nobody Had Chance to See Fashion Display.

FIFTY THOUSAND POLICE ESTIMATE

Though It Hardly Reached Half That Figure, Street Car Traffic Was Blocked, and People Got Out of Jam Through Fear That They Would Be Trampled.

Breaking all Christmas Eve and holiday records, a crowd, estimated at 20,000, jammed its way into every available foot of space on Broad Street from Eleventh to Adams last night, overflowing into the roadway and blocking car traffic for half an hour.

The Police Department admitted that there had never been anything like it in the principal shopping thoroughfare before. While the multitude turned out to see the gorgeous window displays of Fashion Week, the congestion was so dense that only a handful got near enough to look in the windows. There was constant danger of injury in the crush, and after struggling for standing room and air, the people finally cut into side streets and started homeward.

So far as any crowd can be, it was free from rowdiness. But it was such a crowd as rendered the controlling efforts of the police futile. Led by Mayor Werner, the reserves battled valiantly to this out-of-control crowd, and finally in sheer desperation drove people from the sidewalks. The sight-seeing throng was good-natured and orderly, but anxious to see and to touch the window displays.

The outpouring so vastly exceeded all expectations that from the viewpoint of the Retail Merchants' Association the affair was a tremendous success, even though the window exhibits could not be examined. The prospect of seeing something for nothing, of seeing other people and being seen, attracted thousands on the fine night.

At 8:10 o'clock, when the congestion was at its worst, street cars and automobiles were jammed together, pressed into service, and men were hanging on the steps of the street cars.

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DISPERSED QUICKLY.
As quickly as it had collected the crowd dispersed when it became apparent that the window displays would not be seen. Within twenty minutes after the signal rocket had announced the opening of Fashion Week, two-thirds of the throng had faded into the cross streets and gone home, satisfied to wait until to-day to view at leisure the wonderful offerings.

The schedule was run through without a break and on the minute. Promptly at 7:55 o'clock the lights in Broad Street were switched off, leaving the crowd in unaccustomed darkness. As the clock struck 8, the lights flashed on, rockets flared into the sky, the window shades rolled up, while red fire burned on every corner between Eleventh and Adams. An immense concourse, gathered at the City Hall, in anticipation of seeing a display of fireworks, was disappointed.

TELEPHONE SYSTEM SWAMPED.
Even the telephone system felt the strain of the display. The Chesapeake and Potomac Telephone Company said last night that from 6 to 8 o'clock the central switchboard was demoralized under a flood of calls. The day shift of operators leaving at 6 o'clock was called back and put at the boards with the night operators to handle the traffic.

Major Werner said it was the largest crowd he had ever seen. He received no complaints, and although there were some minor displays when congestion became great, he found the crowd orderly. The forty policemen placed on duty were lost in the multitude. According to the police estimate, there were 50,000 people in Broad Street during the night.

Secretary W. A. Clarke, Jr., of the Retail Merchants' Association, said: "It was the greatest sight I ever saw and the largest crowd. The members of the committee are ashamed in saying that the affair far exceeded our expectations. It was a great success. The displays were beautiful, and while not many could see them they remained on view all week, and every one will have an opportunity to look them over. It was bigger than anything of the kind ever staged in this section of the country."

RODDENBERY CHILDREN SUMMONED.
Thomasville, Ga., September 22.—The condition of Representative S. A. Roddenberry, who is ill at his home here, following a nervous breakdown, night is extremely critical. His children, attending school in Athens, Ga., and Danville, Va., have been summoned to his bedside.

PRESIDENT WILL VISIT RICHMOND AND STATE FAIR

Discusses Subject of His Speech With Senator Swanson.

MAY DECIDE DATE OF VISIT TO-DAY

Indicates That He Will Speak on Currency Question, and Inquires About Facilities for Indoor Address—Spoke Here in February, 1912.

By suggesting the subject upon which he desires to deliver an address to the people of Virginia, President Wilson indicated yesterday that he would accept the invitation extended him to attend the Virginia State Fair in October. Senator Swanson, who yesterday talked with the President relative to the acceptance of the invitation, notified members of the Richmond committee that President Wilson asked questions which tend to show that he is coming to Richmond, and it is probable that he will to-day announce the date upon which he will visit the fair.

To Talk on Currency.
The President, it is stated, said that he would like to talk on the currency question, and wanted to know what facilities were afforded here for an address to be delivered indoors. The questions of the date and train service were discussed with Senator Swanson by President Wilson, and Senator Swanson was authorized to make arrangements for the President's visit.

Every assurance was given the President that a suitable place would be provided where he could deliver an address without unnecessary exposure to the elements. The details as to securing a building with adequate seating capacity will be arranged as soon as definite word is received that the invitation has been accepted.

May See Him Again To-Day.
Senator Swanson was hopeful of securing another conference later in the day with President Wilson, but was unable to do so because of the press of other duties. Senator Martin and the Virginia delegation at Washington are working with Senator Swanson and exerting every influence to have the President accept the invitation.

The prospective successful termination of the movement to secure the President's attendance upon this year's fair, is a matter of deep gratification to both the people of the State, who will visit Richmond in the thousands, and to the directors of the fair.

Back to Native State.
It is considered in the highest degree fortunate that the President will visit Richmond in the thousands, and to the directors of the fair.

Urged by City Council.
Immense crowds of people are expected to attend the fair, and the city council has urged the President to visit Richmond in the thousands, and to the directors of the fair.

Order of Procession.
The order of the procession, following the police escort, was as follows: The Mayor, the Honorable (S. J.) Institute where Mr. Gaynor lay after being shot down by an assassin three years ago.

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WITNESS MAJOR'S FUNERAL CORTAGE

Historic Greenwood Cemetery Holds Body of W. J. Gaynor.

CITY AND RIVER NOISES STILLED

Bell in the Tower of Borough of Brooklyn Tolls for First Time in Many Years—Former President Taft Is Pallbearer.

New York, September 22.—Historic Greenwood Cemetery, the resting place in Brooklyn of many famous dead, received the body of New York's late Mayor, William J. Gaynor, at mid-afternoon to-day, after funeral services in his honor that were without parallel in the history of the city. In the presence of the family, the honorary pallbearers, including William Howard Taft, and city officials, among them Mayor Kline, the flag-draped coffin was committed to the grave in the Gaynor family plot. The brief Episcopal service was read by the Rev. Frank W. Page, former pastor of St. John's, the church where the Mayor worshipped.

A million people, it is estimated, saw the funeral cortege move slowly, first from the City Hall, where thousands had witnessed the body lying in state Sunday, to Trinity Church, where Bishop Greer conducted the funeral services; then back past the City Hall, across Brooklyn Bridge, through Brooklyn streets, past the late Mayor's residence at Avenue Home, and on to the cemetery.

Only Tolling Bells Announce Cortage.
Upon the bridge, hung in black, traffic did not move. City employees stood six feet apart, heads uncovered, as the police-escorted cortège proceeded into the Mayor's home borough. Below the river noises were stilled. Not a craft blew its whistle, not a gong was sounded.

The funeral train across the bridge and for a distance in Brooklyn paralleled a favorite route of the Mayor, who, in all kinds of weather was accustomed to walk to and from the City Hall.

The bell in the tower of the borough in Brooklyn tolled for the first time in many years. Numerous church bells also sounded, and measured beats, Trinity's first and then in Brooklyn in Brooklyn public schools turned forth their pupils, who stood among the mourners in the streets. In the Mayor's own neighborhood clubs and residences were draped in crepe, while flags fluttered at half mast.

Flowers to Hospitals.
When the church service had ended the great masses of flowers that had been in Trinity and the City Hall were sent to various hospitals, the choicest among them, to children and convalescents. To St. Mary's, the Holoken (S. J.) Institute where Mr. Gaynor lay after being shot down by an assassin three years ago.

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MEXICANS KILL FIFTY

Rebels Dynamite Passenger Train, Loot Week and Rob Survivors.
Laredo, Texas, September 22.—Fifty persons were killed when rebels dynamited a passenger train on the Mexican National Railway, sixty miles south of Saltillo, Mexico, Friday afternoon, according to official reports to Mexican Federal headquarters in Nuevo Laredo to-day. The train was then looted and the surviving passengers robbed. It is said.

Two dynamite mines were set off by electricity, it is said. The first class coach was only derailed, but the baggage express and two second class coaches were blown to pieces.

This evidently was the occurrence referred to in a dispatch from Mexico City, which said that a train had been derailed at Saltillo, and that the attack on this morning. The official report, received as Nuevo Laredo, however, indicated that it occurred last Friday.

Town Is Sacked.
Mexico City, September 22.—Rebels dynamited a southbound train on the Mexican National Railway early to-day at Vinages, in the northern part of the State of San Luis Potosi, blowing up the locomotive and two forward coaches. The casualties are not yet known.

Dispatches from San Luis Potosi, the capital of the State, say that on Saturday rebels dynamited a train at Vinages, in the town of Vinages and routed a Federal force of sixty men at Lagunas Seca. The rebels reached Charcas on Sunday well armed and supplied with dynamite. The attack on the train this morning is presumed to have been made by the same band.

ANOTHER CONSTRUCTION

Federal Judges Disagree on Intent of White Slave Law.
Wichita, Kan., September 22.—An interpretation of the Mann white slave act by Federal Judge John C. Pollock, sitting at Saltillo, Mexico, in the Federal Judge Van Fleet, of San Francisco, in the Maury Dicks and F. Drew Campbell trials, has caused a great deal of trouble.

Judge Pollock said the Mann act applied to the transportation of women, interstate transportation of women, Baker, through his attorney, had pleaded to the degree that he was not guilty. "Do you base this plea on the interpretation of the law in the Dicks case?" Judge Van Fleet asked.

South Is Shivering.
Frost Appears and Weather Makes New Records.
Pensacola, Fla., September 22.—To-day's weather established a record for this section. The temperature dropped to 55 degrees, the lowest since September day ever experienced here.

First Frost in Tennessee.
Nashville, Tenn., September 22.—The first frost of the season covered Middle Tennessee last night. The frost did little damage to crops will result. Only four times in the history of the local Weather Bureau have earlier frosts been recorded.

Has Christmas Weather.
Tampa, Fla., September 22.—The mercury to-day reached the lowest point in the season, the lowest since 1892. This morning at 6 o'clock it registered 59 degrees. The maximum temperature was 75 degrees, the same temperature prevailed here last Christmas day.

Earliest in Fourteen Years.
Huntsville, Ala., September 22.—The first frost of the season covered Middle Tennessee last night. The frost did little damage to crops will result. Only four times in the history of the local Weather Bureau have earlier frosts been recorded.

Overland Train Wrecked.
More Than Dozen of Great Northern's Passengers Injured.
Everett, Wash., September 22.—More than a dozen passengers on the Great Northern Overland train were injured to-day when the train was wrecked near Mukilteo, south of Everett, through the breaking of an axle of the tender and the ditching of the locomotive, tender and baggage car. Before a flagman could be sent back to post a warning signal a westbound passenger train, at full speed on the other track. Some of the wreckage of the locomotive and baggage car came down at full speed on the other track. Some of the wreckage of the locomotive and baggage car came down at full speed on the other track.

Why Clark Didn't.
Speaker Kept Too Busy in Washington to Re-Visit Chautauqua Days.
Washington, September 22.—Here is Speaker Clark's statement as to why he did not return to the Chautauqua days. He does not want to be placed in the position of criticizing Mr. Bryan.

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COURT ASKED TO STOP FAIR FROM SELLING LIQUOR

Application for Injunction Filed in Henrico County.

CLAIMS THAT IT VIOLATES CHARTER

W. C. Smith and W. L. Wingfield, Named as Complainants, Employ Former Member of Legislature as Counsel.

Asserting that the retail license granted the Virginia State Fair Association, Incorporated, in April, is absolutely void and that, if valid, the corporation, under its charter, has no authority to exercise that privilege, application for an injunction to restrain the sale of intoxicating liquors, from selling and attempting to sell intoxicating liquors, was filed yesterday in the Henrico Circuit Court by W. C. Smith and W. L. Wingfield, the complainants. Notice that depositions in the cause would be taken to-morrow morning, and that a petition asking for the revocation of the license would be presented on October 8, was served by Sheriff L. H. Kemp, of Henrico County, on Leigh R. Page, counsel for the Virginia State Fair Association, Incorporated. The application for the injunction is returnable before Judge L. Carter Scott on Thursday morning.

Gives Four Reasons.
The State of Virginia, in its relation to W. C. Smith and W. L. Wingfield, is the complainant and W. L. Wingfield, is the defendant. The four reasons why the license should be revoked are given. It is alleged that it was granted in direct violation of the law for the sale of liquor in bars, or places of public entertainment, in a community having less than 500 inhabitants residing within a half-mile radius of the place where the license was granted. It is also alleged that the application for the license was fraudulent, and that the license was obtained by means of a false affidavit.

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The grounds for a restriction on the sale of liquor are given. It is alleged that the license was obtained by means of a false affidavit, and that the license was obtained by means of a false affidavit.

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